

**REMARKS**

Claims 1-20 are currently pending in the present application, with Claims 1, 8, and 15-20 being amended. Reconsideration and reexamination of the claims are respectfully requested.

Applicant would like to thank the Examiner and the Examiner's supervisor for conducting a personal interview that took place on May 20, 2007, during which the Applicant had a chance to explain the Examiner the claimed invention, and during which the Examiner provided very helpful suggestions for amending the claims to overcome the outstanding rejections.

The Examiner objected to Claim 16 for reasons of informality, Applicant has corrected the informality.

The Examiner rejected Claims 17 and 18 under 35 U.S.C. 101 in view of the claimed invention being directed to a non-statutory subject matter. Applicant has amended Claims 17 to 18 to more properly claim the subject matter of the invention, and respectfully submits that the amended claims comply with 35 U.S.C. 101.

The Examiner rejected Claims 1, 2, 4, 8, 9, 11, 15, and 16 under 35 U.S.C. 102(e) as being anticipated by Ogawa (U.S. Patent no. 6,704,269). This rejection is respectfully traversed in view of the amended claims.

As previously communicated, the present invention is directed to an apparatus, method, and program for recording information on an optical disk by forming pits on the recording surface of a given disk. An important advantage of the present invention is to facilitate the recording of acceptable pits on an optical disk in both low and high recording speeds, by selectably using different kinds of pre-stored pattern tables, each of which contain multi-pulse patterns that correspond to a plurality of lengths of the pit, wherein the multi-pulse pattern are representative of a

sequence of multiple pulses of laser lights achieved by intermittently turning on and off the laser light used to form a single pit. With respect to the inventions claims in Claims 1, 15, and 17, the pattern tables are selected in accordance with the recording speed and/or the type of the disk used; with respect to the inventions claims in Claims 8, 16, and 17, the pattern tables are selected in accordance with one or both of the recording speed and type of the disk, and also based on the varying linear velocity of the optical disk.

As discussed during the personal interview, the Examiner agreed that Ogawa does not disclose forming single pits by intermittently turning on and off a laser light. Applicant has accordingly amended the independent claims to more precisely recite the invention by clarifying that multiple pulses are used per pit, and respectfully submits that the amended claims overcome Ogawa.

The Examiner rejected Claims 6 and 13 under 35 U.S.C. 103(a) as being unpatentable in view of Ogawa in view of Hara (U.S. patent no. 6,044,055). This rejection is respectfully traversed in view of the amended claims.

Applicant notes that Claims 6 and 13 are dependent upon Claims 8.

As discussed above, Ogawa does not contain any disclosure or suggestion of using multiple pulses to form a single pit. Hara fails to make up for these deficiencies. Specifically, Hara is directed to high-density optical disk recording by changing the pulse widths of the front and rear end pulses and by varying the positions of the rising and falling edges of the pulses. Hara does not contain any disclosure or suggestion of forming single pits with multiple pulses. Accordingly, Applicant respectfully submits that Claims 6 and 13 are not obvious in view of Ogawa and Hara.

The Examiner rejected Claims 7 and 14 under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Hara and further in view of Kobayashi (U.S. Patent No. 5,367,514). As discussed

above, neither Ogawa nor Hara contain any disclosure or suggestion of forming single pits with multiple pulses. Kobayashi fails to make up for this deficiency. Specifically, Kobayashi, which is directed to recording data to an optical disk using laser of different energy pulse, does not contain and disclosure or suggestion of forming single pits with multiple pulses. Accordingly, Applicant respectfully submits that Claims 7 and 14 are not obvious in view of the combination of Ogawa, Hara, and Kobayashi.

Finally, the Examiner rejected Claims 3, 5, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Kobayashi and Narumi et al. (U.S. Patent Publication No. 2004/0052186). This rejection is respectfully traversed with respect to the amended claims.

As discussed above, neither Ogawa nor Kobayashi contain any disclosure or suggestion of forming single pits with multiple pulses. This deficiency is not made up by Narumi, which is directed to a method of recording data to an optical disk by, inter alia, pre-formatting the parameters of a recording pattern. There is no mention or suggestion, in Narumi, of forming single pits with multiple pulses. Furthermore, Applicant hereby perfect the present application's claim of priority under 35 U.S.C. 119 by submitting a certified translation of the priority application filed in Japan (Japanese Application No. 2002-216991). Since the present application is thus entitled to a priority date of July 25, 2002, Narumi is not prior art to the present application. Accordingly, Applicant respectfully submits that Claims 3, 5, 10, and 12 are not obvious in view of the cited references.

Applicant notes that, during the personal interview, the Examiner raised as an additional prior art reference Yokoi et al. (U.S. Patent No. 5,732,062). Applicant has studied Yokoi and submits the reference in an attached IDS.

Applicant respectfully submit that all of the pending claims are patentable over Yokoi in that Yokoi does not contain any disclosure or suggestion of storing a plurality of pattern tables (*e.g.*, write strategies) of different kinds and selecting one of the pattern tables based on either one or both of the recording speed and the type of the optical disk used. Rather Yokoi simply teaches strategies for modulating a pattern of multi-pulses.

In view of the above, Applicant respectfully submits that each of the presently pending claims in this application is in condition for allowance. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below. In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032039700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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